

# **Exhibit 1**

LOS ANGELES  
SEATTLE  
NEW YORK

LAW OFFICES  
COTCHETT, PITRE & McCARTHY, LLP  
SAN FRANCISCO AIRPORT OFFICE CENTER  
840 MALCOLM ROAD  
BURLINGAME, CALIFORNIA 94010  
TELEPHONE (650) 697-6000  
FAX (650) 697-0577  
cpmlegal.com

November 9, 2023

**Honorable Yvonne Gonzalez Rogers, U.S. District Judge**  
United States District Court for the Northern District of California  
Oakland Courthouse  
1301 Clay Street  
Oakland, CA 94612

**Re: *In Re Social Media Adolescent Addiction et al.*, Case No. 4:22-md-03047-YGR  
*Representation for School Districts and Municipalities***

**Dear Judge Gonzalez Rogers:**

Our firm, Cotchett, Pitre & McCarthy LLP (“CPM”), respectfully seeks appointment to a leadership position in the matter of *In Re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, Case No. 4:22-md-03047-YGR (N.D. Cal.) on the Plaintiffs’ Steering Committee, specifically to a leadership position in connection with the School District and Municipality tracks of this MDL. Plaintiff leadership needs members whose attention is solely focused on **school districts and government entities**. CPM has a long history of representing government entities in public nuisance litigation. Accordingly, our firm has asked that, I, **Anne Marie Murphy**, be selected to serve on leadership.

Section 230 will undoubtedly impact individual personal injury Plaintiffs differently from government entity Plaintiffs and thus lead to potential conflicts in litigation strategy. Further, while there will be some anticipated overlap among experts – the tracks will require unique expertise. This litigation needs leaders who can zealously represent the interests of school districts, while working side-by-side with plaintiffs in other tracks. Co-Lead Counsel recognized this necessity when they suggested appointing me and five others to a **Government Entity Subcommittee** in June of 2023. *See Dkt. 309*. CPM represents numerous California school district Plaintiffs and does not and will not represent any individual personal injury Plaintiff in this matter.

In addition to representing only government entities in this litigation, our firm is only seeking a leadership position in this MDL and not in the companion JCCP. Consequently, I will have the requisite time to devote to this litigation and will not be distracted by trying to lead in the JCCP as well as in this MDL.

This letter provides the court with the information requested regarding the seven criteria outlined in your Order Setting Initial Conference. (Dkt. 2).

November 9, 2023  
Page 2

**(1) Professional experience in this type of litigation, including MDL experience as lead or liaison counsel and/or service on any plaintiffs' committees or subcommittees.**

My resume highlights my relevant professional experience. (Attachment 2) It includes a chart listing prior MDL and complex litigation experience, service as lead counsel and on leadership committees, and identifies the judges in those matters. I recognize that there are others in leadership who have more than my twenty-three years of litigation experience and/or have served in overlapping leadership roles with others in leadership; however, I believe that diversity of experience is critical in MDL leadership. I believe that MDL leaders have an obligation to carry out their assignments efficiently and effectively, and this includes keeping those who are not selected to a leadership position adequately informed so that they in turn can properly represent their own clients.

**(2) The names and contact information of Judges before whom the applicant has appeared in the matters discussed in response to No. 1 above.**

This information is also provided in my resume. *See* Attachment 2.

**(3) Willingness and ability immediately to commit to time-consuming litigation.**

I am able and willing to immediately commit to time-consuming litigation. As my representation as Co-Lead in *Robinhood* comes to a close, I have the temporal capacity to commit to this litigation. CPM has multiple cases pending in this MDL, with several more planned for filing, making us deeply invested in the litigation. Further CPM is headquartered in the Bay Area (Burlingame) making participation in hearings and meetings relatively easy. Additionally, as noted above, I am not serving, or attempting to serve, on any leadership in the accompanying JCCP. This will allow me to focus completely on the MDL and provide first-rate service to this litigation.

**(4) Willingness and ability to work cooperatively with other plaintiffs' counsel and defense counsel.**

I know and respect many of the previously appointed leadership. While it is critical to have some independent voices on leadership (who do not represent plaintiffs in more than one track), CPM is committed to working cooperatively with the other firms in leadership roles, while fiercely representing the interests of public entities. Before being recommended to a leadership role in June 2023 [Dkt 309] CPM was already working cooperatively with other firms representing school districts – and this work has continued to the present. I and my firm have been tasked with and have completed common benefit work at the request of the PSC.

I have repeatedly demonstrated my ability to work cooperatively with other counsel throughout my career. This is demonstrated by my years of service on the Board of the Consumer Attorneys of California, including as Chair of its Women's Caucus and several years on its Executive Committee, my years as a Commissioner on the California Commission on Access to Justice, as President of the Board of a respected legal aid organization, and my appointment to the Advisory Board of Berkeley Law's Civil Justice Research Initiative.

November 9, 2023  
Page 3

**(5) Access to resources to prosecute the litigation in a timely manner.**

CPM is a nationally recognized litigation firm with ample experience, knowledge, and skill in complex multi-district litigation, ranging from consumer mass torts to securities and antitrust litigation. The National Law Journal has routinely placed CPM on its national list recognizing CPM as a law firm on the cutting edge of litigation. Given CPM's substantial experience in complex litigation, including multi-district litigation and class actions, CPM is intimately aware of the resources required to litigate a case of this magnitude. CPM is committed to expending the time, energy, and finances in an efficient manner for a just result. We regularly serve in leadership roles where we are expected to contribute many millions of dollars, without resort to the services of litigation funders.

CPM's resources available to competently prosecute the litigation in a timely manner include the institutional knowledge and human capital necessary for such an undertaking. Beyond my own experience, various partners at CPM have served on executive committees for numerous significant matters including many involving large technology companies like the ones in this litigation. A small sample includes: *Delahunty v. Google*, USDC NDCA (Hon. Lucy Koh), *In Re Apple Inc. Device Performance Litigation*, USDC NDCA (Hon. Edward J. Davila), *In re Google Play Consumer Antitrust Litigation*, USDC NDCA (Hon. James Donato), *Yick v. Bank of America, N.A.* USDC NDCA & SDCA (Previously Hon. Vince Chhabria and currently Hon. Larry Burns). As we display on our website, CPM is a law firm built on a foundation of deeply held principles and commitment. CPM's shared values are a commitment to justice, hard work and a promise to deliver true rights to our clients and a just society. Appointing me to Leadership in this litigation is an appointment of the experience, collaborative spirit and history of proven results of the entire firm to this matter. I am blessed by the counsel of my partners and, while individuals are being selected for leadership, standing behind me and supporting me are some of the leading trial attorneys in the Nation.

**(6) Willingness to serve as lead counsel, a member of a steering committee, or both.**

I am willing to serve however the Court may see fit.

**(7) Any other considerations that qualify counsel for a leadership position.**

This MDL is pending in the Northern District. CPM is a local firm with deep roots in the Bay. The majority of CPM's government entity clients are located in the Northern District, but we represent clients throughout the State.

Respectfully Submitted,



**ANNE MARIE MURPHY**

**Enclosures**

**Attachment 1 – List of filed cases**

**Attachment 2 – Resume**

# Attachment 1

**Attachment 1**  
**CPM Cases on file in IN RE: SOCIAL MEDIA ADOLESCENT**  
**ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LIGATION**  
**CASE No. 4:22-md-03047-YRR**

| <b>Entity:</b>                              | <b>Case No.:</b>  |
|---|-------------------|
| San Mateo County Board of Education         | 4:23-cv-01108-YGR |
| Bayshore Elementary School District         | 3:23-cv-01555     |
| Jefferson Union High School District        | 3:23-cv-01554     |
| South San Francisco Unified School District | 3:23-cv-01557     |
| Jefferson Elementary School District        | 3:23-cv-02215     |
| Cabrillo Unified School District            | 3:23-cv-02406     |
| Pacifica School District                    | 3:23-cv-03657     |

# **Attachment 2**

**Attachment 2 – Resume**  
**Anne Marie Murphy**

**COTCHETT, PITRE & McCARTHY, LLP**  
**840 Malcolm Road, Suite 200**  
**Burlingame, CA 94010**  
**(650) 697-6000 – (650) 697-0577 (fax)**  
**Email: [amurphy@cpmlegal.com](mailto:amurphy@cpmlegal.com)**

**EDUCATION**

B.A., in Science & Technology, Vassar College  
J.D., Georgetown University Law Center

**PROFESSIONAL ACTIVITIES**

- *Commissioner*, California Commission on Access to Justice, 2010-2023
- *Advisory Board*, Civil Justice Research Institute, University of California-Berkeley Law
- *Executive Committee-Board of Directors*, Consumer Attorneys of California
- *President of Board*, California Advocates for Nursing Home Reform (CANHR is a legal aid non-profit)
- *Chair*, Consumer Attorneys of California Women’s Caucus, 2014
- *Fellow*, Litigation Counsel of America
- *Advisory Board*, Seven Tepees Youth Program

**EXPERIENCE & ACHIEVEMENTS**

- ***In re Robinhood Outages Litigation*, USDC NDCA (Hon. James Donato).** Individually appointed as Co-Lead Counsel. Responsible for overseeing all aspects of the litigation—from fact and expert discovery, to mediation, to overseeing the PEC. Case successfully concluded with settlement distribution to certified class in 2023.
- ***Richter et al. v. CC-Palo Alto, Inc. et al.*, USDC NDCA (Hon. Edward J. Davila).** Lead counsel for Plaintiffs. Class certification 2021. Subsequent settlement and final approval in 2022.
- ***Pennington et al. v. Tetra Tech, Inc. et al.*, USDC NDCA (Hon. James Donato).** Serve as lead counsel with Joseph Cotchett in class action for homeowners of the San Francisco Shipyards development. There are numerous related cases, all involving the fraudulent nuclear remediation of a former Navy base. Played key role in brokering an early multi-million-dollar settlement of a portion of the case. As to the remaining portion of case, work cooperatively with a large number of plaintiff and defense firms to streamline and steer the litigation.
- ***County of San Mateo v. Purdue Pharma, L.P. et al. consolidated in In re National Opiate Litigation*, USDC NDOH (MDL 2804, Hon. Dan A. Polster).** Co-lead for SMC. Involved for several years in

**ADMISSIONS**

- U.S. Supreme Court
- Ninth Circuit Court of Appeals
- California Bar
- Numerous federal courts

**HONORS & AWARDS**

- *Top 50 Women Lawyers, Northern California Super Lawyers*, 2016-present
- *Top 100 Lawyers, Northern California Super Lawyers*, 2016-present
- *Top 100 Women Lawyers in California*, awarded by The Daily Journal, 2015
- *Top 25 Plaintiff Attorneys in California*, awarded by The Daily Journal, 2015
- *Finalist, Consumer Attorney of the Year*, awarded by the Consumer Attorneys of California, 2008
- *Presidential Award of Merit*, awarded by Consumer Attorneys of California, 2011- 2012, 2015, 2018, 2020-2023
- *Northern California Rising Star*, Northern California Super



working group for California counties, which grappled with issues such as intrastate allocation.

- ***Martin v. HPHC, USDC CDCA (Hon. Dale S. Fischer)***. Lead attorney in one of the earliest Covid-19 nursing home death cases. Prevailed at Ninth Circuit on issues of first impression related to federal jurisdiction and immunities (co-argued to the Ninth Circuit with counsel from Public Citizen, who represented plaintiffs in a separate case).
- ***A.M. and L.S. v. Pacific Fertility Center et al., SF Superior Court and B.B.S v. Pacific Fertility Center et al., SF Superior Court (Hon. Teri L. Jackson presided for most of case)***. Recently completed service as part of state leadership group (with attorneys from Lieff Cabraser Heimann & Bernstein and Walkup, Melodia, Kelly & Schoenberger). CPM represented women affected by the tragic failure of a storage tank at Pacific Fertility Clinic in San Francisco which resulted in the loss of thousands of eggs and embryos.
- ***Epstein et al. v. Schwarzenegger et al., San Francisco Superior Court (Hon. Charlene P. Kiesselbach)***. Along with my senior partner, Joseph W. Cotchett, represented taxpayers against the Schwarzenegger Administration to stop the sale of California's public buildings, which would have cost California's taxpayers billions of dollars. Successful in obtaining an emergency temporary stay of the sale from the Court of Appeal. Sale was successfully cancelled when Governor Brown took office.

#### PUBLICATIONS & TEACHING

- Every year I teach at seminars on trial skills topics, discovery as well as diverse practice areas. I am also co-chair of CAOC's annual Convention and its Sonoma Seminar. I am on the Editorial Board of CAOC's Forum Magazine.
- Forum Magazine's (CAOC) 2022 Civil Rights Issue (Issue Editor);
- "Everything we do is About Civil Rights," The Forum Magazine (CAOC) July/August 2022;
- "Charles Bonner interview: Tip of the Arrow," The Forum Magazine (CAOC) July/August 2022;
- "Financial Elder Abuse: Holding Institutions Liable for Aiding and Abetting Abuse," The Forum Magazine, 2019
- "Same Road, Different Stops" (Elder Abuse Litigation), San Mateo County Bar Association, 2013
- "Upcoming Changes to the Federal Rules of Civil Procedure," Plaintiff Magazine, 2015

Lawyers and San Francisco Magazine, 2009-2012

- *Irish Legal 100*, 2017-present
- *Lawdragon 500 Leading Plaintiff Financial Lawyers*, 2020-present

| Judge's Name and Contact Info  | Court  | Case Name and Number  |
|--|--|---|
| James Donato<br>San Francisco Courthouse,<br>Courtroom 11, 19th Floor<br>450 Golden Gate Avenue,<br>San Francisco, CA 94102<br>415-522-2066        | United States District Court<br>for the Northern District of<br>California | <i>In re Robinhood Outages<br/>Litigation</i> - 3:20-cv-01626<br><br><i>Pennington et al. v. Tetra Tech,<br/>Inc. et. al.</i> - 3:18-cv-05330 |
| Edward J. Davila<br>San Jose Courthouse,<br>Courtroom 4—5th Floor<br>280 South 1st Street, San<br>Jose, CA 95113<br>408-535-5356                   | United States District Court<br>for the Northern District of<br>California | <i>Richter et al. v. CC-Palo Alto, Inc.<br/>et al.</i> - 5:14-cv-00750  |
| Dan A. Polster<br>Carl B. Stokes United States<br>Court House<br>801 West Superior Avenue,<br>Courtroom 18B<br>Cleveland, Ohio 44113-1837          | United States District Court<br>for the Northern District of<br>Ohio       | <i>County of San Mateo v. McKesson<br/>Corp. et al. and County of San<br/>Mateo v. Purdue Pharma, L.P. et<br/>al</i> - 3:19-cv-00949          |
| Dale S. Fischer<br>First Street Courthouse, 350<br>West 1st Street, Courtroom<br>7D, Los Angeles, California<br>213-894-0583                       | United States District Court<br>for the Central District of<br>California  | <i>Emma Martin et al v. Serrano<br/>Post Acute, LLC, et al</i> - 2:20-cv-<br>05937  |
| Curtis E. A. Karnow<br>Department 611<br>Civic Center Courthouse<br>400 McAllister St.<br>San Francisco, CA 94102<br>United States<br>415-796-6280 | San Francisco Superior Court   | <i>A.M. and L.S. v. Pacific Fertility<br/>Center et al.</i> – CGC-18-567247   |
| Teri L. Jackson<br>Division Five<br>350 McAllister Street<br>San Francisco, CA 94102-<br>7421<br>415-865-7300                                      | San Francisco Superior Court   | <i>B.B.S v. Pacific Fertility Center et<br/>al.</i> - CGC-19-574223   |
| Charlene P. Kiesselbach<br>[retired]   | San Francisco Superior Court   | <i>Epstein et al. v. Schwarzenegger<br/>et al.</i> - CGC-10-505436  |